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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,656	02/15/2006	Roman Coppola	101070.0001US	9581
24392 7590 04/25/2008 FISH & ASSOCIATES, PC ROBERT D. FISH 2603 Main Street Suite 1050 Irvine, CA 92614-6232				
EXAMINER				
LIU, MICHAEL				
ART UNIT		PAPER NUMBER		
2851				
MAIL DATE		DELIVERY MODE		
04/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/568,656

Applicant(s)

COPPOLA, ROMAN

Examiner

Michael Liu

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 6-13 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-23 is/are allowed.
- 6) ☒ Claim(s) 1, 6-13 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal Brief filed on 3/26/08, PROSECUTION IS HEREBY REOPENED. See the new rejections set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Diane I Lee/
Supervisory Patent Examiner, Art Unit 2851

Drawings

2. The drawings are objected to because in Fig 4, the word "photographing" is misspelled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6-8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oles (5,946,500) in view of Leary (6,061,969).

Re claims 1 and 6-8: Oles discloses a photographic system [Fig 1A], comprising:

a structure that defines a space [Fig 1A: space between camera 16 and background 10] sufficiently large to contain a plurality of people 12, props, and equipment 14 and 16; and

wherein the structure comprises a solid wall that is colored [C4L27-28] to produce a uniform chroma key colored backdrop [C1L27-32] to a subject 12 being photographed [by camera 16] from inside the cavity.

Oles does not disclose expressly the structure being inflatable and defining a cavity, nor does the structure comprises a translucent wall.

Leary teaches "a dome-shaped inflatable structure..., the walls of the structure are transparent or translucent to allow sufficient light transmission" [C2L32-39]. Moreover, the inflatable structure is comprised of a plastic sheet [C5L53-56: plastic film], wherein the plastic sheet is a vinyl [C5L44-47: polyvinyl]. In addition, the vinyl has a thickness of at least 4 mils. [The thickness of the polyvinyl wall is "preferably approximately 0.004 to 0.008 inches" (C5L42-44). Since 1 in = 1000 mils, the preferred thickness is 4-8 mils.]

At the time the invention was made, it would have been obvious to use the inflatable structure of Leary and its details in the invention of Oles, for the purpose of providing a portable, temporary [C2L34], and inexpensive [C2L25] photographic system to construct a portable photographic setting for a photographer to shoot on location.

Re claims 10 and 11: Oles discloses wherein the chroma key color is blue or green [C4L25-28].

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oles in view of Leary as applied to claim 1 above, and further in view of Huebner (6,343,184).

Oles as combined teaches all limitations of the claimed invention except for further comprising a plurality of stage lights that illuminate the cavity from outside the structure.

Huebner teaches, as shown in Fig 10, a first light 84 that illuminates the cavity 252 and 254 from outside the structure.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have a plurality of stage lights to illuminate the cavity of Oles as combined from outside the structure, for the purpose of increased lighting to yield a brighter and clearer photograph.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oles in view of Leary as applied to claim 1 above, and further in view of Simens (6,282,842).

Oles as combined teaches all of the claimed limitations except for having a floor area of more than 20,000 sq ft.

Simens teaches, "A sports stadium or building complex is covered by a huge fiberglass fabric dome that is supported by an inflatable dual-membrane bladder on a hollow compression ring with a diameter of 800 to 1200 feet" [abstract]. With a diameter of 800 feet, this yields an area of greater than 500 thousand square feet.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to increase in size the inflatable structure of Oles as combined, for the purpose of having a larger area to use for photography, which would ease spacing.

7. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oles in view of Leary as applied to claim 1 above, and further in view of Sadler (4,164,829).

Oles as combined teaches all the limitations of the claimed invention except for the inflatable structure having a floor portion that is continuous with the wall and the structure being inflated by pressurizing the cavity.

Sadler teaches, "Panels 11 may be of sufficient length to permit the lower portion thereof, when inflated, to be folded inwardly at the bottom of the chamber as shown at 17" [C3L34-36; see also Fig 1]. In addition, Sadler teaches an appropriate air moving device used to inflate the composite panel structure [C2L60-67].

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to apply the teachings of Sadler in the invention of Oles as combined, for the purpose of effectively inflating the structure.

8. Claims 19, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oles in view of Leary, and further in view of Huebner.

Re claims 19 and 20: Oles discloses a photographic method [Fig 1A], comprising:

providing a structure that defines a space [Fig 1A: space between camera 16 and background 10] having a wall colored [C4L27-28] to produce a chroma key colored background [C1L27-32];

positioning a camera 16 and a subject 12 [person in Fig 1B] inside the space;

photographing the thus illuminated subject against the background from the inside of the cavity [see Fig 1A].

Oles does not disclose expressly the structure being inflatable and that defines a cavity, nor does Oles disclose illuminating the subject with artificial lighting transmitted through the wall.

Leary teaches "a dome-shaped inflatable structure" [C2L33-34].

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use the inflatable structure of Leary in the invention of Oles, for the purpose of providing a portable, temporary [C2L34], and inexpensive [C2L25] photographic system.

Oles as combined still does not disclose expressly illuminating the subject with artificial lighting transmitted through the wall.

Huebner teaches, as shown in Fig 10, a first light 84 that illuminates the cavity 252 and 254 from outside the structure.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to illuminate the subject with artificial lighting transmitted through the wall of Oles as combined, for the purpose of increased lighting to yield a brighter and clearer photograph.

Re claim 22: Oles as combined discloses further comprising positioning at least some photography-related equipment [flood lamps 14 and camera 16] inside the cavity.

Oles as combined does not disclose expressly operating the equipment from outside the cavity.

Huebner teaches, in C6L53-55 and C7L35-40, remote control of the camera, drives, and lights from outside the cavity.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use the remote control of Huebner to control the photography-related equipment of Oles as combined, for the purpose of easier control of the equipment.

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oles as combined as applied to claim 19 above, and further in view of Aptekar (2005/0144018).

Oles as combined discloses all limitations of the claimed invention except for the subject comprising a car.

Aptekar teaches the rental agreement form 1 includes "photographic images 22 of the vehicle being rented" [Par 0019; see Fig 1].

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to make the subject of Oles as combined a car, as done in Aptekar, for the purpose of taking well-illuminated pictures of the vehicle to be able to see the vehicle clearly in the photograph.

10. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oles as combined as applied to claim 19 above, and further in view of Sadler.

Oles as combined discloses all limitations of the claimed invention except for providing a floor portion that is an extension of the wall.

Sadler teaches, "Panels 11 may be of sufficient length to permit the lower portion thereof, when inflated, to be folded inwardly at the bottom of the chamber as shown at 17" [C3L34-36; see also Fig 1].

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to apply the teachings of Sadler in the invention of Oles as combined, for the purpose of having a simple assembly that can quickly be put up and later torn down.

Response to Arguments

11. Applicant's arguments with respect to the rejection(s) of all the claims have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Oles in view of Leary. See the above rejections.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Liu whose telephone number is 571-272-9019. The examiner can normally be reached on Monday through Friday 9 am - 5 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on 571-272-2399.

Michael Liu
Examiner
Art Unit 2851

ML 4/23/08
/Diane I Lee/
Supervisory Patent Examiner, Art Unit 2851